IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA No. C 08-04036 CW (PR) JORNAY R. RODRIGUEZ, ORDER OF TRANSFER Petitioner, JOHN MARSHALL, Warden,

Respondent.

Petitioner, a state prisoner, has filed a <u>pro se</u> petition for a writ of habeas corpus. He has paid the filing fee.

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28

U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);

Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

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Here, Petitioner challenges a conviction and sentence incurred
in Los Angeles County Superior Court, which is in the venue of the
Western Division of the Central District of California. <u>See</u> 28
U.S.C. § 84. Accordingly, that is the proper venue for this
action.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court for the Western Division of the Central District of California.

IT IS SO ORDERED.

Dated: 10/14/08

CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

1 2	I	TES DISTRICT COURT FOR THE STRICT OF CALIFORNIA
3 4 5	JORNAY R RODRIGUEZ, Plaintiff, v.	Case Number: CV08-04036 CW CERTIFICATE OF SERVICE
6 7 8	JOHN MARSHALL et al, Defendant.	
9 10	I, the undersigned, hereby certify that I am Court, Northern District of California.	an employee in the Office of the Clerk, U.S. District
11 12 13	copy(ies) in a postage paid envelope addresse	e and correct copy(ies) of the attached, by placing said ed to the person(s) hereinafter listed, by depositing said copy(ies) into an inter-office delivery receptacle located
14 15 16 17 18 19 20 21 22 23 24	Jornay Rechurnd Rodriguez P-16162 California Mens Colony P.O. Box 8101 San Luis Obispo, CA 93409-8101 Dated: October 14, 2008	Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk